

## REMARKS

Claims 1-10 remain in the application.

Claims 6-8 stand as withdrawn as directed to a non-elected invention.

New claims 9 and 10 have been added, each dependent on claim 1.

Claims 1-5 stand as rejected under 35 USC 102(b) as anticipated by Ersoy et al, U.S. patent 6,553,864

Reconsideration of that rejection is respectfully requested.

Claim 1 recites a tubular metal core which the Examiner considers to be met by the sheet steel cores 8 which are spaced apart sheets enclosed in a plastic jacket 9 to form a sandwich configuration of the pedal body 2.

It is respectfully submitted that the two plates do not comprise a tubular core. A tube comprises a hollow structure, and it is urged that the two separated plates 8 do not comprise a hollow structure.

This distinction has significance in that the two separated plates 8 are not rigidly connected together and hence would offer less torsional strength than the closed metal structure provided by a metal tubular core. The plates 8 would also only have good bending strength in resisting forces aligned with the pedal. Bending resistance to sideways directed forces would be markedly less. While Ersoy et al does suggest torsional rigidity is achieved by the combination of a plastic jacket 9 and the core plates 8, the tubular configuration of the present invention provides better stiffness in torsion and also in bending to both aligned or sideways directed forces. Application of force by the driver's foot engaged at a point off center on the pedal could result in heavy twisting forces to be applied to the pedal body in an emergency situation.

The use of plastic to bridge the gap between the plates 8 creates some enhancement but results in a less stiff structure than a metal hollow structure provided by the metal tube core of the present invention.

Furthermore, an important advantage of a plastic-metal pedal construction is weight. The Ersoy et al construction results in a substantially solid pedal. The pedal construction claimed in new claim 10 is substantially lighter in weight since the hollow interior of the tubular core is recited as being substantially unoccupied. Thus, both superior strength and lighter weight is achieved by the claimed pedal structure of claim 10.

Using two spaced apart plates 8 as a core also complicates the molding process, as the plates 8 must be held spaced apart in the mold, and care must be taken that the injected plastic completely fills that space.

New claim 9 claims the construction with the pivot lug being formed in a portion of the plastic projecting from the tubular core, which avoids the need to separately form a lug hole in the metal core, another feature not shown in Ersoy et al who evidently must also form holes in the plates 8.

Accordingly, claims 1-5 and 9 are urged to patentably distinguish over the prior art of record. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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